

REMARKS

Claims 1-11 are pending in the present application. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claims 5-8 were rejected under 35 U.S.C. 112, second paragraph. The examiner questioned the meaning of the term "direction" as it appears in these claims. Applicants have amended the claims to clarify the meaning of the term as determined from the specification to refer to either underload or overload with respect to the motor load in normal operation. For the record, Applicants believe that the claims as originally presented, considered in light of Applicants' specification (fully consistent with the law), would not have been confusing to those skilled in the art, and therefore the claims in their previous form are fully in accordance with Section 112. At worst, the claims in their previous form might be considered objectionable but only as to form.

Nevertheless, in deference to the Examiner's views and to avoid or minimize needless argument, and as indicated above, a number of cosmetic amendments have been made in claims 5, 7 and 8. Claim 6, which depends from claim 5, is believed to be clear in view of the amendments to claim 5. Such amendments are of a formal nature only, i.e. made to

place the claims in better form consistent with U.S. practice. These amendments are not "narrowing" amendments because the scope of the claims has not been reduced in these regards. No limitations have been added in these regards and none are intended.

Withdrawal of the rejection under 35 U.S.C. Section 112, second paragraph is respectfully requested.

Claims 1 and 4-11¹ are rejected under 35 U.S.C. Section 103 as being unpatentable over Lane, Jr. (U.S. Patent No. 5,5512,883) in view of Burks, Jr. (U.S. Patent No. 4,195,291). This rejection is respectfully traversed for the following reasons.

Applicants' comments and arguments presented in the Amendment filed on March 5, 2004, are hereby incorporated by reference. Further, Applicants respectfully submit that Lane, Jr. describes a device for monitoring the operation of a motor where the motor is frequently stopped and started. The monitoring device operates in two modes, one initialization process mode and one main process mode.

The process of initiating process mode in Lane, Jr. is described in Fig. 2A and in column 4, line 4, to column 5,

¹ The Office Action in paragraph 2 lists all claims 1-11. However, claims 2 and 3 are not specifically discussed and are rejected in paragraph 3 of the Office Action. Clarification is respectfully requested.

line 2, and includes power up of the monitoring device, initiation of registers, and reading of high and low current threshold values from memory, these threshold values being initially set to predetermined values. There is no description, in connection with the initialization process mode, of pre-setting the threshold values during initialization to values based on the currently measured motor load and there is definitely no description of setting such threshold values manually.

However, in the cyclic main process mode of Lane, Jr., which is entered after the completion of the initialization process, an automatic update is performed of the threshold values based on measured current ten seconds after the start of the motor (note that it is from the start of the motor not the power up in the initialization process, see Fig. 2D and column 7, lines 11-49). This automatic update of the threshold values is performed every time the motor is started in order to dynamically adapt the threshold values to changes in the motor's operating condition. Thus, this dynamic update is not part of the initialization process but part of the cyclic process in which the motor is frequently started and stopped. This indicates that the automatic update of the threshold values is not comparable with a presetting according to the present invention.

Accordingly, looking at the description of Lane Jr. as a whole, there is nothing that would motivate a person of ordinary skill in the art to introduce manual presetting of threshold values relating to the motor load. In other words, there is no teaching in Lane, Jr. that would motivate the person of ordinary skill in the art introduce manually actuated setting of the threshold values, because the changing of the threshold values according to Lane Jr. is a dynamic update which is to be performed every time the frequently started and stopped motor is started, which would require that a person is available for setting the threshold every time the motor automatically starts. This is not likely if one bears in mind that one application for the system of Lane, Jr. are compressor motors for refrigerators.

Burks, Jr. does not satisfy the deficiencies noted above. Burks, Jr. describes a rotational sensor wherein the limits of deviation from a preset rotation may be digitally introduced into a control circuit. Applicants' previous comments with regard to the Burks, Jr. reference are repeated. Applicants respectfully submit the present invention according to claim 1 is non-obvious in view of the teachings of Lane, Jr. or Burks, Jr., whether taken alone or in combination. If this rejection is repeated, the examiner is requested to particularly address Applicants' arguments concerning the

teachings and the prior art which would provide motivation for the modifications proposed in the Office Action.

Claims 2-3 were rejected under 35 U.S.C. Section 103 as being unpatentable over Lane, Jr. in view of Burks, Jr. and further in view of Akiyama et al (U.S. patent 4,211,967). This rejection is respectfully traversed for the following reasons.

Akiyama describes a motor speed adjusting apparatus that is used to adjust the motor speed by a percentage deviation percentage step from a standard motor speed. Accordingly, Akiyama is related to a device that controls the speed of a motor not a monitoring device. Due to the non-analogous nature of this patent with regard to Lane, Jr. and Burke, Jr., Applicants respectfully submit that a person of ordinary skill in the art would not have been motivated to combine the teachings of this device with the devices of the other two documents in order to achieve the invention.

For at least this reason, and because claims 2-3 depend from and include the recitations of claim 1 which is patentable for the reasons discussed above, Applicants respectfully submit that claims 2 and 3 are also patentable.

In view of the above amendments and remarks, Applicants respectfully request reconsideration and withdrawal

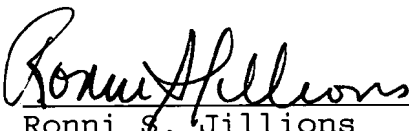
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of the outstanding rejections of record. Applicants submit
that the application is in condition for allowance and early
notice to this effect is most earnestly solicited.

If the Examiner has any questions, he is invited to
contact the undersigned at (202) 628-5197.

Respectfully submitted,

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